

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

ANGI ENERGY SYSTEMS, LLC,

Plaintiff,

v.

JOSHUA J. GROETKEN,

Defendant.

OPINION AND ORDER
FOR DEFAULT JUDGMENT

15-cv-530-wmc

On November 9, 2015, the clerk of court entered default against defendant Joshua J. Groetken pursuant to Federal Rule of Civil Procedure 55(a). (Dkt. #8.) Before the court now is plaintiff ANGI Energy Systems, LLC's motion for default judgment, which fully documented its damages. (Dkt. #6.) A hearing on this motion was set for February, 10, 2016, at 8:30 a.m., at which defendant again failed to appear. Accordingly, this order will grant a default judgment consistent with its proof.

OPINION

Plaintiff ANGI Energy Systems, LLC alleges that defendant Joshua Groetken, its former employee, created fraudulent invoices that he transmitted to customers and then had those customers remit payment directly to him in a "Spark Play" account. (Compl. (dkt. #1) ¶ 1.) ANGI asserted claims for conversion and civil theft, breach of duty of loyalty and tortious interference with a contract. (*Id.* at pp. 4-6.) Groetken failed to answer or otherwise respond to ANGI's complaint, and the court entered default on November 9, 2015. (Dkt. #8.) Because default was entered against defendant, the court accepts as true all of the factual allegations in the complaint, except those relating to damages. *In re Catt*, 368 F.3d 789, 793 (7th Cir. 2004).

Having now had an opportunity to conduct discovery, ANGI seeks a default judgment of \$100,028.84. In support of its request, ANGI submitted an affidavit from Susan Ross, the

Chief Legal Officer - Americas and Associate General Counsel for Gilbarco, Inc., in which she sets forth the basis for that request.¹ In particular, Ross relied on records kept by Capital One, N.A., the owner and operator of the Spark Pay service Groetken used to divert funds from ANGI. (Ross Aff. (dkt. #18) ¶ 9; *id.*, Exs. A, B (dkt. ##18-1, 18-2).)

As Ross explains, the amount sought only includes transactions identified by Capital One as “completed.” (*Id.* at ¶ 11.) Ross also reviewed email messages from Groetken’s email account that correlates with the information provided by Capital One. (*Id.* at ¶ 13; *id.*, Exs. C-1 to C-7 (dkt. ##18-3 to 18-9).) After review of Ross’s declaration and supporting materials, and as a result of Groetken’s failure to appear or dispute any of these transactions, the court is satisfied that plaintiff has proven it is entitled to damages in the amount requested.

ORDER

IT IS ORDERED that plaintiff’s motion for default judgment (dkt. #8) is GRANTED and the clerk of court is directed to enter a default judgment in the total amount of \$100,028.84 against defendant Joshua J. Groetken and close this case.

Entered this 10th day of February, 2016.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge

¹ In support of its motion, ANGI also submitted a declaration of non-military service. (Dkt. #17.)